

## The UK politics of overseas voting

Article (Accepted Version)

Collard, Susan (2019) The UK politics of overseas voting. *Political Quarterly*, 90 (4). pp. 672-680. ISSN 0032-3179

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## **The UK Politics of Overseas Voting**

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### **Abstract**

The enfranchisement of non-resident citizens has always been controversial in the UK, where for historical reasons, voting rights are not as closely associated with citizenship as elsewhere. The introduction of 'overseas' voting in the 1980s by the Conservatives was contested by Labour as a form of 'international gerrymandering' since expatriates were widely assumed to be disproportionately wealthy and therefore more likely to vote Tory. Expatriate campaigners have been increasingly vocal in denouncing the 'electoral injustice' of the '15-year rule' which disenfranchises them after 15 years abroad, and the exclusion of so many from the EU Referendum highlighted their cause. A recent Private Member's Bill proposing 'Votes For Life' for UK expatriates aimed to meet their demands to abolish the time restriction, now considered anachronistic. But their arguments were hijacked by historically embedded attitudes and disputes driven by party politics, ending in a dramatic and bewildering filibuster which this paper elucidates.

### **Key words**

Expatriates, overseas voting, Private Member's Bills, filibustering, citizenship, franchise.

### **Introduction**

Should citizens of a state who live outside its territory have the right to vote in home country elections? This question has entered the realm of public policy worldwide in recent decades as the effects of globalisation, the growth of international migration and the revolution in communications have combined to challenge the traditional relationship between the exercise of democratic rights and territorial borders. Debates over the emigrant franchise have prompted a myriad of different responses from governments around the world reflecting the specificities of their national contexts, and the normative issues at stake have been extensively discussed in a growing body of literature on expatriate voting. In 2007, the IDEA Report on 'Voting From Abroad'<sup>i</sup> counted 115 countries allowing their non-resident citizens to vote 'externally' in home elections, noting wide variation, not only in the organisation of extra-territorial voting but also in underlying motivations. External voting is most common within Europe, where a broad majority of states recognise an unlimited right to vote from abroad. But the UK, by disenfranchising expatriates after 15 years of non-residence, is one of only six countries in the EU to impose restrictions of some kind.<sup>ii</sup>

Over the past two decades, the '15-year rule' has been increasingly challenged by British expatriate campaigners, who condemn this time limit, established in 2000, as an

anachronism. They argue that the spread of the internet and the revolution in global communications in the 21<sup>st</sup> century has undermined earlier objections that living abroad would inevitably lead to disconnection from the UK. One veteran campaigner, Harry Shindler, took a case to the European Court of Human Rights (ECtHR) in 2009 claiming that his disenfranchisement under the UK's '15-year rule' deprived him of his basic human right to participate in elections in his home country, as established by Article 21 of the United Nations Declaration of Human Rights. Although the Council of Europe has repeatedly published statements supporting external voting rights, the (ECtHR) ruled that Shindler's disenfranchisement was 'legitimate and proportionate'.<sup>iii</sup> Legal experts, however, have contested the Court's judgement on this and on other similar cases.<sup>iv</sup> Another expatriate, James Preston, attempted a legal challenge against the UK government regarding his disenfranchisement by applying for judicial review of the legislation in 2011-12, but this also failed. The long-felt sense of injustice of such campaigners was compounded by their exclusion from the EU Referendum in 2016.

A recent Private Member's Bill, the Overseas Electors Bill 2017-19 (OEB), presented as 'non-political', proposed to abolish the time restriction and allow life-long voting rights for non-resident UK citizens. Given the possibility of a second referendum on Brexit, this Bill offered a timely opportunity to revisit the issue of overseas voting in a new context. Indeed, many Britons living abroad hoped the Bill would deliver what they see as a fundamental right conferred through UK citizenship. Modifying electoral law is easier in the UK than in countries such as Ireland and Denmark where constitutional amendment is required. However, changes to the franchise have inevitable political implications, and instead of triggering an informed and updated discussion of the 15-year rule, this Bill rekindled long-standing disagreements between the two main parties on the question of expatriate voting. Then curiously, it was killed off in a dramatic filibuster, apparently staged by a tacit collaboration among MPs from opposite sides of the House.

This paper explains why the tabling of this Bill to introduce Votes For Life (VFL) led to such an unexpected outcome, and why amending the overseas franchise remains so politically controversial in the UK. The first section provides some important historical context, and the second section discusses the party politics underpinning the debates. A third section explains the sudden expansion of the overseas electorate after 2015 and its relevance to the EU Referendum in 2016. A final section discusses the debates over the Overseas Electors Bill 2017-19, leading to some conclusions regarding the implications of its failure and future prospects for amending the overseas franchise in the UK.

### **Defining the UK's demos: residence or citizenship?**

The UK is unusual in that voting rights are not closely associated with citizenship, which was not itself formally defined until the British Nationality Act (BNA) of 1981, due to the complex historical legacy of the British Empire. Previously, the British Nationality Act of 1948 gave the status of British Subject to citizens of the UK and Colonies and to citizens of independent Commonwealth countries, bestowing voting rights on them all while resident in the UK. Resident Irish citizens were also given full voting rights for historical reasons after the creation of the Republic in 1949. Voting rights in the UK are therefore by tradition linked to residence not citizenship, and the British system of representative parliamentary democracy

was built on the premise of a connection to a particular constituency through electoral registration.

The creation of British citizenship in 1981 offered an alternative principle on which to base the franchise, but the idea of granting voting rights to non-resident citizens was controversial because it represented such a fundamental change. Also, if citizenship replaced residence as the legal basis of voting rights, it would imply the withdrawal of the franchise from resident citizens from Commonwealth countries, Pakistan and Ireland, which would have been controversial. In practice, a compromise evolved whereby the status quo was preserved for them, but an extension of voting rights to non-resident UK citizens was also accepted, albeit with a time-limited franchise.

In terms of legislation, this extension took place in three stages. The Representation of the People Act 1985 first enfranchised Britons abroad, largely due to pressures from those working in the institutions of the EEC which the UK joined in 1973. The proposal triggered lengthy discussions regarding the need to impose some kind of restriction because of fears that with an estimated expatriate population at the time of around 3m., the electoral system risked being overwhelmed by non-residents. The Home Office Select Committee of 1984-5 suggested limiting the overseas vote to those in the EEC, but this was rejected by the Conservative Government on the grounds of equality of treatment of all citizens. The latter preferred a time restriction, based on the assumption that emigrants would lose touch with the UK and integrate in their country of residence. The initial legislation imposed a very cautious time limit of five years, but since only 12,000 people registered to vote in the 1987 election, this was extended to 20 years in 1989. It was subsequently reduced in 2000 under a Labour Government which established the current '15-year rule'. Although its somewhat arbitrary nature was acknowledged, it represented a 'reasonable compromise' between the two parties, whose opposing positions were driven by underlying political considerations.

### **The party politics of overseas voting**

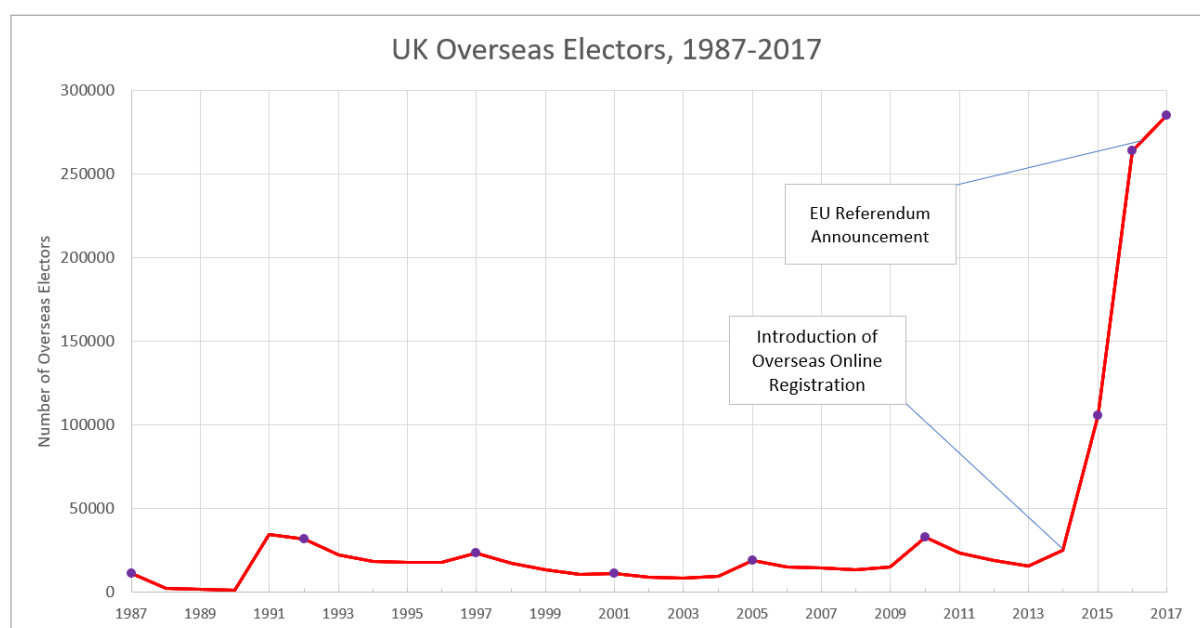
Although the initial proposal in 1985 to enfranchise non-resident citizens was presented by the Conservative Government as non-political, perceptions of partisan interest had in fact underpinned the parties' positions on this issue from the outset, as illustrated by the vivid language used during the parliamentary debates. In the 1980s & 1990s, those who lived 'overseas' were widely thought to be disproportionately affluent, and therefore more likely to vote Conservative. Labour MPs explicitly accused the Conservative Party of using the enfranchisement of expatriates to further their own electoral interests, and they pointed to the large number of tax exiles who had left the country under Labour's punishing tax regimes of the 1960s and 1970s, famously defended in 1974 by Chancellor Dennis Healey's promise to 'squeeze the rich until the pips squeak'. They fiercely contested the principle of allowing such tax exiles to have a say in making UK tax laws, and repeatedly brandished the slogan 'no representation without taxation'. They also made abundant references to high-profile criminals such as Ronnie Knight, mastermind of the famous Security Express Raid in 1983, who had taken advantage of the end of an extradition treaty with Spain to escape there to live with impunity off the proceeds of their crimes. Labour highlighted these individuals as examples of those who should not be allowed a vote. They were also concerned by the potential impact of the overseas vote in marginal constituencies: John Smith, MP for the Vale of Glamorgan, claimed to have lost his seat in 1992 as a result of 'a

small proportion of people living in other lands who had little association, if any, with my constituency'.<sup>v</sup>

The assumption that expatriates would have a natural preference for the Conservative Party underlay Labour's instinctive hostility to the idea of enfranchising potential Tory voters, who Jeremy Corbyn described in 1989 as 'tax dodgers, crooks, thieves and wastrels'.<sup>vi</sup> Although lack of data meant this assumption could not be properly tested, two academic studies investigated the subject in 1992 by analysing the number of overseas electors by constituency of registration. They both identified the overseas electorate as predominantly English, especially from the South East and the London area.<sup>vii</sup> The lowest numbers were in metropolitan districts which tended to be more socio-economically disadvantaged. Almost 80% of registrations were in Conservative-held constituencies compared with 18% in those held by Labour. The fact that there were many more overseas electors registered in Conservative constituencies than in Labour seats supported the assumption that overall, the overseas electorate was by and large more favourable to the Tories. A post-election survey of overseas electors in 27 constituencies showed that the Conservative Party benefited from around 60-65% of the expatriate vote, compared to 29% for Labour and 16% for the Liberal Democrats.<sup>viii</sup> However, it also showed that the expatriate vote in safe Labour seats such as Islington North (Jeremy Corbyn's seat) firmly supported Labour, disproving the idea that expatriates constituted a 'type' of individual sympathetic to the Conservatives. In any case, the general conclusion after the 1992 election was that the impact of the overseas franchise on political outcomes had been vastly overestimated: the number of overseas electors never rose above the 34,454 registered in 1991, and following the agreement on the 15 year rule, the issue of overseas voting disappeared from the parliamentary agenda.

### **The sudden expansion of the overseas electorate and the emergence of 'Votes For Life'**

Fifteen years later however, a significant rise in the number of registered electors, illustrated in Figure 1, brought the topic back to the political arena.



**Source: author, based on data from Office of National Statistics (England & Wales), National Records of Scotland, the Electoral Office for Northern Ireland & the Electoral Commission (for EU referendum).**

This sudden increase can be explained by a series of developments in domestic politics. This began with the introduction of online registration from 2014, established under Individual Electoral Registration (IER), that facilitated the process of registration for overseas electors, previously deterred by cumbersome postal procedures. The Electoral Commission (EC) carried out an awareness campaign before the 2015 election, launched by a dedicated 'Overseas Registration Day', which harnessed support not only from the Foreign and Commonwealth Office's global networks, but also from other media outlets normally beyond its reach. Registration increased from 32,739 in 2010 to 105,845 for the 2015 election.

This registration campaign had in fact been masterminded by the Cotswolds MP Geoffrey Clifton-Brown, Chairman of the Conservative Party International Office (CPIO) from 2010-2015, who was instrumental in setting a target of 100,000 registered electors. It was the result of several personal interventions in Parliament during debates over IER, during which he had proposed abolishing the 15-year rule in favour of 'Votes For Life', for which expatriate party members had long been campaigning. Similar calls in the House of Lords had led to the creation of a cross-party Working Group on overseas voting in 2013, led by Clifton-Brown. A recommendation in its final report, 'Making Votes Count', that this target should be set, became a formal stamp of approval.

The targeted increase in overseas voter registration was part of a more ambitious policy which Clifton-Brown adopted as Chairman of the CPIO, a role that gave him oversight of Conservatives Abroad (CA), the party's organisation for members abroad. CA was set up when overseas voting was introduced in the 1980s, to encourage registration amongst its supporters. Initial activity had started in the Spanish coastal resort of Jávea where many well-heeled retirees had settled, but over time it had expanded into a global network of branches in 67 countries. Members in France, which later replaced Spain as the main 'hub' of CA activism, had set up a website dedicated to 'Votes For Ex-Pat Brits' and Clifton-Brown committed to supporting their goal of Votes For Life (VFL). In the Summer of 2014, he persuaded David Cameron to adopt it as party policy,<sup>ix</sup> and it was announced at the party conference in September. Clifton-Brown later made a speech in Parliament drawing attention to this commitment, making the case for VFL and emphasising how 'Throughout history, it has been the Conservative Party that has championed the rights of overseas voters. Only under a Conservative government have the rights of overseas voters been extended. ... Up until now, only the Conservative party has campaigned on this issue. Today, however, I issue a challenge to all other parties to join me in this campaign, to make this a cross-party issue and to ensure that it duly happens.'<sup>x</sup>

This challenge was reminiscent of the original attempt by the Conservative Government in 1985 to present the issue as non-political; but it was highly problematic since positions were already so clearly drawn along party lines, especially after the inclusion of VFL in the Conservative Party Manifesto launched in April 2015. Besides, CA was fully engaged in a well-organised party campaign to secure a Conservative victory in the election, kick-started

by a mass email from David Cameron to expatriate supporters saying: 'In an election with so much at stake, overseas voters could be the difference between a Conservative government ... - or a return to Labour'.<sup>xi</sup> The CA campaign had two components: the first was the 'Think of Three' campaign, in which members were asked to encourage three other British people living abroad to register by sending them a link to the electoral registration page. The second component was CA's contribution to the party's '40:40 Campaign', in which 40 new marginal seats and 40 more with slim Conservative majorities had been identified as the key battlegrounds. CA members were asked to encourage donations and help with telephone canvassing to mobilise support for five candidates in Cheadle, Walsall North, Broxtowe, Portsmouth South and Wells, four of whom were subsequently elected. Following the election victory, the inclusion of VFL in the Queens Speech in May 2015 represented the ultimate fulfilment of CA's goals, backed by the persistent efforts of Clifton-Brown. Given this context, it is hard to see how the tabling of a bill abolishing the 15 year rule under the new Government could ever have been credibly presented as non-political.

### **The 2016 EU Referendum and the disenfranchisement of the overseas electorate**

Before any such bill materialised, however, the EU Referendum triggered a second surge in overseas registration, particularly amongst the 1.2m UK citizens estimated at the time to be resident in other EU countries. The EC put the registration figure at 285,000, but many thousands remained disenfranchised by the 15-year rule and were angry and frustrated at the Government's failure to introduce VFL before a referendum which could have a significant impact on their lives. An attempt by the Liberal Democrats to amend the referendum legislation in the House of Lords to allow UK expatriates in the EU to vote was rejected by the Government: it argued that the practical difficulties would be impossible to resolve within the time frame and that modifying the franchise just for the referendum could invite accusations of bias, since it was assumed that most Britons in the EU would vote to Remain. Two 'expat' campaigners, war veteran Harry Shindler and Brussels-based lawyer Jacquelyn MacLennan, were so aggrieved that they made a joint claim in the High Court against the Government for judicial review, arguing that the EU Referendum Act was incompatible with EU law because it restricted their rights to freedom of movement and acted as a penalty for having exercised this right. The Government won the case but found itself in the paradoxical position of having to justify this 'discriminatory disenfranchisement', despite in principle having accepted the political argument for VFL.<sup>xii</sup>

The referendum alerted many Britons abroad to the importance of voting rights which so many had previously not exercised, and the prospect of Brexit emphasised the potential disruption to the lives of residents in the EU. But perhaps more importantly, it demolished the argument, frequently articulated by opponents, that expatriates should not be allowed to vote because they were not affected by UK laws. This highlighted what many ex-pat campaigners had been denouncing for years as 'electoral injustice'. After the referendum, there was an unprecedented surge of online mobilisation by angry and distressed Britons in the EU, leading ultimately to the creation of a coalition called 'British in Europe' (BIE), bringing together the many country-based advocacy and campaign groups that had appeared. BIE led a successful campaign in collaboration with 'The 3Million', representing EU citizens in the UK, to get EU citizenship rights included as one of three priorities in a UK / EU deal in December 2017. Unsurprisingly, VFL was also high on their agenda. The emergence of a collective voice amongst Britons abroad inspired a wave of sympathetic

media interest in their plight, and the sudden online accessibility of this previously hard to reach population also facilitated new academic research. The outcome of the EU Referendum thus led to an unprecedented level of political engagement by UK expatriates via social media, followed by yet another increase in overseas registration when the snap election was announced for June 2017. Online surveys conducted before the election, although not methodologically representative, provide some 'snapshots' of the zeitgeist, which indicated a strong anti-Tory backlash, reflecting not only the anger over the referendum franchise and the Brexit result but also the failure to deliver on the promise of VFL.

### **The Overseas Electors Bill 2017-19: the rise and fall of Votes For Life**

The Government's decision not to implement its manifesto pledge on VFL before the EU referendum was a major disappointment for expatriate campaigners, but their frustration was further compounded by its omission from the Queen's Speech presented after Theresa May's failure to secure a majority in June 2017. Although a Policy Statement seeking stakeholder feedback had been published by the Cabinet Office in October 2016, there had been no follow-up. It is plausible to assume that the new Government considered its position was too fragile in a hung Parliament to risk tabling a Bill that it knew would be politically controversial. There may also have been concerns over available time in a parliamentary session dominated by Brexit legislation. But given the constant pressure from campaigners, the Government may also have felt the need to deliver (or be seen to be trying to deliver) on its promise. An agreement was reached to do this by supporting a Private Member's Bill (PMB), the Overseas Electors Bill 2017-19 (OEB), proposed by the Conservative MP for Montgomeryshire, Glyn Davies, just before the Bill's First Reading in July. It was not until February 2018 however, shortly before the Bill's Second Reading, that a public announcement from the newly appointed Minister for the Constitution, Chloe Smith, revealed that the Government was supporting the Bill as a Handout Bill (when the Cabinet Office prepares the legislation on the MP's behalf). The use of a PMB to deliver a manifesto pledge is always criticised as an abuse of executive power since it encroaches on Backbenchers' opportunities to propose legislation. But because this Bill aimed to make an important change to the franchise it was considered particularly controversial, fuelling hostility across the opposition parties. In these circumstances it is surprising that the Government continued to claim that the Bill was non-political, yet this fiction was officially maintained throughout the debates that followed.

In fact, the passage of the Bill proved to be a master-class in the art of parliamentary discourse and in the procedural idiosyncrasies of PMBs, leaving outside observers perplexed. This began with the Second Reading, usually a graveyard for PMBs due to the limited time allowed for debate. Labour made its opposition clear from the outset, though its language and arguments were more nuanced than in previous debates. The main objection was concern for the impact of the Bill on the workload of electoral administrators, but the long rambling interventions from Labour MPs constituted in reality a concerted attempt to 'filibuster' or 'talk the bill out', a practice commonly used to kill a PMB. On this occasion, the Government was able to prevent this happening by the unexpected calling of a Closure Motion by Clifton-Brown, leading to a Division for which the necessary 100 Conservative MPs had been persuaded to turn up. Unprepared for this unusual tactic, Labour had failed to put Tellers in place so the formal count could not verify the numbers.



With opposition MPs in disarray, the Deputy Speaker relied on a loud clamour of 'ayes' to allow the Bill to progress to the Committee Stage.

In retaliation for this tactical manoeuvring, Labour gathered support across other opposition parties and renewed its attack on the Government during the October debate on the Money Resolution for the Bill, which must be approved before committee proceedings begin. Adopting a device unused since 1912, they tabled an amendment that would have prevented implementation of the Bill by limiting expenditure to a fraction of the estimated costs. This move was motivated by the Government's refusal to grant a Money Resolution for another PMB, sponsored by a Labour MP, which aimed to maintain the number of parliamentary constituencies at 650 in a direct challenge to the Government's plans to reduce them to 600. The Government won the vote, but the episode showed the importance in the opposition's strategy of trade-offs against other issues. During the subsequent Committee proceedings, Labour tabled multiple amendments in another attempt to talk it out, though some important issues were nevertheless raised such as the potential impact on party donations (also a strong concern of the Liberal Democrats). These were all dismissed on the grounds that it was a 'single-issue' Bill aiming simply to deliver VFL. By the end of the four Committee sessions in November, expatriate observers were therefore not unreasonably hopeful that the Bill would soon become law.

However, a series of arguments then erupted over the adding of extra sitting Fridays for PMBs to be discussed, because of the two-year long session to deal with Brexit. These arguments, over how many days to add and on which dates, extended from 12th November to 31st January, a time when the Government was struggling with its Brexit agenda. The objections came not just from Labour but also from a small group of rebellious 'Brexiters' Conservative MPs very active in proposing PMBs and objecting to those of others. As a result of this protracted dispute, the Report Stage for the OEB was finally postponed from 25<sup>th</sup> January till the 22nd March, the last of three extra days eventually negotiated. This meant that if the opposition could talk it out that day, it would effectively be killed off. The implication was that in the parliamentary chaos of Brexit, the Government had sacrificed the Bill to other priorities. However, Britons abroad following the Bill were unaware of these developments and were expecting it to progress to the Lords.

At the Report Stage, Labour tabled an amendment with an exceptionally high level of cross-party support from 85 MPs, proposing votes at 16 for overseas voters, on which it planned to talk the Bill out as a way of linking the two types of franchise extension. But at the last minute, the Tory rebel Philip Davies, specialist in filibustering PMBs, unexpectedly tabled a whole raft of amendments and new clauses copied from Labour's proposals during the Committee stage and adding a few more of his own. Even more surprising was the fact that this was apparently an act of collaboration with Labour, since some of the amendments were tabled jointly. Davies proceeded to talk the Bill out on an endless list of implementation details until the Speaker called time at 2.30pm, ending the debate not with a bang but a whimper. Bewildered expatriates who had been watching on Parliament TV turned to social media in search of explanations: was this the end of the Bill? Would the debate be continued on another day? Why was a Tory MP talking such 'gibberish' about a Bill sponsored by his own party?

## Conclusions

What this final debate made clear was that the Bill no longer had any support in Westminster. For political reasons, Labour was always going to oppose it, but the perception that the Second Reading debate had been concluded using underhand tactics galvanised their hostility and determination to defeat it. This also helped them build cross-party support for their opposition, even though in principle, some parties (the Liberal Democrats and the Green Party) were sympathetic to the goal of VFL. There was clearly broad agreement that any proposed change to the franchise, especially a party Manifesto pledge, should be delivered through a Government Bill not a PMB. The Government, whose own support for the Bill was undermined by the chaos over Brexit within the party and in Parliament, must have finally reached the same conclusion. Realising that Labour's amendment to allow votes for overseas electors at 16 stood a very good chance of passing, given the level of support they had mustered, it was decided that it was preferable for the Bill to be defeated. Philip Davies was therefore discreetly invited by the Tory Whips to put his specialist skills to work to manage this as an 'inside job', taking the flak for what looked like a maverick wrecking tactic.<sup>xiii</sup>

But there are other conclusions with broader implications to be drawn from this analysis of the OEB. First, the extension of the overseas franchise cannot be considered as a 'single issue', as claimed by Glyn Davies. Other questions like the regulation of party donations from abroad and the need for a legal definition of residence are too closely linked to be excluded from the debate. Second, the enfranchisement of all non-resident citizens can no longer be separated from that of 16 & 17 year olds, which is now a manifesto pledge of all opposition parties. Third, the opacity of the proceedings highlighted the serious need for reform of the procedures for Private Member's Bills: having failed to act on repeated recommendations for change from the Parliamentary Procedure Committee, this was an excellent example of valuable parliamentary time being wasted at its own expense. Fourth, and most importantly for this discussion, the story of this Bill shows how the issue of overseas voting continues to be dominated, as in previous parliamentary debates, by party politics. Despite Clifton-Brown's call for cross-party consensus and Glyn Davies's attempt to present the Bill as non-political, the pursuit of silent partisan agendas prevented the emergence of a genuine discussion of the core principles at stake in this Bill, and it is those Britons abroad who remain, or will become, disenfranchised by the 15-year rule that have paid the price for this charade of British democracy.

Even if Parliament cannot host it, there is a legitimate debate to be had about whether or not British expatriates should be granted unlimited voting rights. The revolution in communications, the increasing mobility of the population and the negative comparison with other democracies are all strong arguments in favour of abandoning a 15-year rule that was designed for another era, while the EU Referendum has demonstrated that Britons living abroad can be just as affected by UK laws as residents, if not more so. Objections based on 'no representation without taxation' have been turned on their head by disenfranchised UK tax-paying expatriates calling for 'no taxation without representation'. Fears of the swamping of the domestic vote by millions of disconnected emigrants proved unjustified by the relatively low levels of registration, even since 2015. Indeed, the goal of Votes For Life probably only interests a minority of the millions of potential beneficiaries.

But this is a minority on a mission, and despite the failure of this Bill, determined expatriate campaigners will continue their battle for what they see as electoral justice.

It is nevertheless hard to see how any further discussion of this issue will escape the distorting lens of party politics, through which extensions to the franchise are inherently linked to the assumed political preferences of those to be enfranchised. Taking a pragmatic approach, the removal of the 15-year rule is more likely to be agreed if it is linked to the reduction of the voting age to 16. Both measures could be incorporated into a single Bill to increase democratic engagement, including a much-needed overhaul of electoral administration. But this would demand a significant degree of political compromise, and unless the trauma of Brexit triggers a radically new approach to consensus-building in Westminster, it remains an unlikely outcome. Disenfranchised Britons abroad are once again at risk of dropping out of sight and out of mind, unless a second referendum provides an opportunity to restate their case.

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<sup>i</sup> 'Voting from Abroad. The International IDEA Handbook', Institute for Democracy and Electoral Assistance, 2007.

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<sup>iii</sup> R. Lappin (2016), 'The Right to Vote for Non-Resident Citizens in Europe', *International and Comparative Law Quarterly*, Vol.65, pp.859-894.

<sup>iv</sup> R. Ziegler, (2015), 'Voting Eligibility: Strasbourg's Timidity' in: Ziegler, K., Wicks, E. and Hudson, L., (eds.), *The UK and European Human Rights: A Strained Relationship*. Bloomsbury; J. Fraser (2017), 'Inclusive Democracy: Franchise Limitations on Non-Resident Citizens as an Unjust Restriction of Rights under the European Convention on Human Rights', *Utrecht Journal of International and European Law*, 33(84), pp.23-43.  
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<sup>vi</sup> Hansard, Representation of the People Bill, House of Commons Debate 29<sup>th</sup> June 1989, Vol.155  
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<sup>vii</sup> P. Tether (1994), 'The Overseas Vote in British Politics 1982-1992', *Parliamentary Affairs*, 47:73-93 & C. J.

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<sup>viii</sup> P. Tether, p.91.

<sup>ix</sup> Author's interview with Geoffrey Clifton-Brown, Portcullis House, 19 July 2016.

<sup>x</sup> Hansard, Overseas Voters (15 Year Rule), 2<sup>nd</sup> December 2014, Vol. 589

[https://hansard.parliament.uk/Commons/2014-1202/debates/14120244000001/OverseasVoters\(15YearRule\)](https://hansard.parliament.uk/Commons/2014-1202/debates/14120244000001/OverseasVoters(15YearRule))

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<sup>xi</sup> <http://www.conservativesabroad.org/news/prime-minister-launches-expat-registration-campaign> Last accessed 30 April 2019.

<sup>xii</sup> A. Tatham (2016), 'The Legitimacy of Discriminatory Disenfranchisement? The Impact of the Rules on the Right to Vote on the Remain / Brexit Referendum', *Perspectives on Federalism*, Vol.8, Issue 1.

<sup>xiii</sup> Author's interview with MP Glyn Davies, Portcullis House, 8<sup>th</sup> May 2019.